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Attorneys for Defendant,  
Patrick Byrne

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

ROBERT HUNTER BIDEN, an  
individual,

Plaintiff,

vs.

PATRICK M. BYRNE, an individual,

Defendant.

Case No.: 2:23-cv-09430-SVW-PD  
Judge: Honorable Stephen V. Wilson  
Courtroom: "10A"

Complaint Filed: November 8, 2023

**DECLARATION OF MICHAEL C. MURPHY, ESQ. IN SUPPORT OF DEFENDANT DEFENDANT'S MOTION IN LIMINE NO. 2 TO EXCLUDE ANY TESTIMONY OR EVIDENCE OF PLAINTIFF'S ALLEGED SEVERE EMOTIONAL DISTRESS DAMAGES**

Date: November 25, 2024  
Time: 3:00 p.m.  
Courtroom: "10A"

I, Michael C. Murphy, Esq., declares as follows:

1. I am an attorney duly authorized and licensed to practice law before this Court and all the state courts located throughout the State of California. I am an attorney with the Law Offices of Michael C. Murphy, attorneys of record for Defendant Patrick Byrne. This Declaration is executed in support of Defendant's Motion for Summary Judgment or, in the Alternative, Partial Summary Judgment. I have personal knowledge of the facts stated in this Declaration and if called upon to testify, I would competently do so.

2. On November 8, 2023, Plaintiff Robert Hunter Biden ("Plaintiff") filed his complaint alleging a single cause of action for defamation per se.

3. On February 13, 2024, Defendant Patrick Byrne ("Defendant") filed his answer and affirmative defenses.

4. On September 11, 2024, and within the deadline imposed by the code, I designated Dr. Nathan E. Levan, MD as our expert on Plaintiff's claim for severe emotional distress. He performed an IME of Plaintiff pursuant to the court's order. Plaintiff never designated any experts to testify. Plaintiff never designated any rebuttal expert witnesses to testify to rebut Dr. Lavid's findings. Plaintiff never designated any treating physicians to testify and made no treating physician disclosures. Plaintiff has now included Dr. Alyssa Berline on the witness list to testify regarding Plaintiff's claim for severe emotional distress without the required disclosures.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. This Declaration was executed on November 6, 2024, at Westlake Village, CA.

By: /s/ Michael C. Murphy, Esq.